

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of: Gwong-Jen J. Chang

Patent No. 7,662,394

Issued: February 16, 2010

Application No. 10/500,796

Filed: July 6, 2004

Confirmation No. 5091

For: NUCLEIC ACID ENCODING CHIMERIC
FLAVIVIRUS IMMUNOGENS
COMPRISING THE JAPANESE
ENCEPHALITIS VIRUS (JEV) PRM
SIGNAL SEQUENCE

Attorney Reference No. 6395-64909-02

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**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH v. KAPPOS*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010)**

Patentee hereby requests recalculation of the Patent Term Adjustment (PTA) under 35 U.S.C. 154(b) indicated on the above-identified patent. The patentee's sole basis for requesting the recalculation is the USPTO's Pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A).

Patentee makes this request without a fee as an alternative to the petition and fee required by 37 C.F.R. § 1.705(d).

This request is being submitted within 180 days of the issuance of the referenced patent.

Patentee understands that no fee is required. However, if a fee is required, please charge any such fees in connection with filing this petition to Deposit Account No. 02-4550.

Respectfully submitted,

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cc: Docketing